

SENATE BILL 72

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By: **Senator Benson**

Introduced and read first time: January 20, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2011

CHAPTER _____

1 AN ACT concerning

2 **State Board of Morticians and Funeral Directors – Surviving Spouse**
3 **Licenses – Deadlines and Examination Requirements**

4 FOR the purpose of altering the time period within which an applicant for a surviving
5 spouse license issued by the State Board of Morticians and Funeral Directors
6 must submit certain verification of a certain death and a certain application;
7 requiring the Board to administer a certain examination at least a certain
8 number of times; altering the number of times a certain individual may fail a
9 certain examination before a certain license becomes null and void; ~~altering the~~
10 ~~time period within which an applicant for a surviving spouse license must take~~
11 ~~a certain examination;~~ and generally relating to surviving spouse licenses
12 issued by the State Board of Morticians and Funeral Directors.

13 BY repealing and reenacting, with amendments,
14 Article – Health Occupations
15 Section 7–308
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2010 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Health Occupations**

21 7–308.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) Subject to the provisions of this section, the Board shall issue a surviving
2 spouse license to an applicant if the applicant:

3 (1) Is the surviving spouse of a licensed mortician or licensed funeral
4 director whose license was in good standing at the time of death and who at the time
5 of death was operating and wholly or partly owned a mortuary science business;

6 (2) Is not a licensed mortician or licensed funeral director;

7 (3) Submits to the Board, within [30] ~~60~~ 10 days of the death of the
8 licensed mortician or funeral director, written verification of the death of the licensee
9 and the application required by the Board; and

10 (4) Pays a fee set by the Board.

11 (b) (1) Within [~~6 months~~] ~~2 YEARS~~ of the issuance of the surviving spouse
12 license, the applicant must take the written Maryland State law examination
13 administered by the Board under § 7-304(b), (c), (d)(1), (e), and (f) of this subtitle.

14 (2) **(I) THE BOARD SHALL ADMINISTER THE LAW**
15 **EXAMINATION TO AN APPLICANT FOR A SURVIVING SPOUSE LICENSE AT LEAST**
16 **THREE TIMES.**

17 **(II)** The license becomes null and void if the surviving spouse
18 fails the Maryland State law examination ~~twice~~ **THREE TIMES.**

19 (3) An applicant may retake the law examination as often as
20 necessary to fulfill the requirement of this subsection.

21 (c) Nothing in this section shall prevent a surviving spouse from selling the
22 mortuary science business that was operated and wholly or partly owned by the
23 licensed funeral director or licensed mortician.

24 (d) Except as provided in subsection (c) of this section, while a surviving
25 spouse license is effective, it authorizes the licensee to:

26 (1) Continue the operation of the mortuary science business that had
27 been operated and wholly or partly owned by the spouse of the licensee; and

28 (2) Assist with the planning and conducting of funeral services for that
29 mortuary science business.

30 (e) The Board may issue a license under this section only if:

31 (1) The business is operated under the direct supervision of a licensed
32 mortician or funeral director; and

1 (2) The embalming is done by a licensed mortician.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.